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Remarks

Reconsideration of the above-identified application in view of the amendments to the claims and the following remarks is respectfully requested.

By this paper, Applicants have cancelled claims 2-3, 30-32 and 34-36, amended claims 1, 4-5, 9, 11, 13-15, 33, 37, 43, 47-48, 51, 53-54, 60 and 70, and adds new claims 72-76. No new matter has been added by virtue of the present amendments.

Claims 9, 43 and 54 were rejected under 35 U.S.C. § 112, second paragraph. Applicants have amended these claims to overcome their rejection. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 112, second paragraph rejection of these claims.

Claims 1-5, 7, 14-15, 17-35, 37, 39-42, 46-50, 52, 59-60 and 62-71 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,516,289 to David, hereinafter "*David*". Applicants respectfully traverse this rejection.

Without acquiescing in the Examiner's grounds for rejection, and for the purpose of expediting prosecution, claim 1 has been amended to incorporate the limitations of claims 2 and 3 to more particularly claim the present invention.

Claim 1 now recites a system for collecting diagnostic information and transmitting the diagnostic information to a remote location. The system comprises a member contoured to at least a portion of a person's hand comprising at least an EKG diagnostic device comprising at least eight EKG sensors. The member comprises a palm portion, a wrist portion and a plurality of phalange portions. The EKG sensors are located on the member on at least two of the palm portion, the wrist portion, and at least one of the phalange portions. The system further comprises an interface unit in electrical communication with the member, wherein the interface unit is capable of transmitting information to a remote location.

David does not disclose, teach or suggest the present invention. *David* discloses a measuring system comprising a combination sleeve and glove having a series of sensors thereon. *David* discloses 10 ECG electrodes 30 as depicted in Figure 3. As can be plainly seen, only six electrodes are on the glove in *David*. The other four are on the sleeve portion.

Claim 1 recites that the at least eight EKG sensors are located on at least two of the palm portion, wrist portion and at least one of the phalange portions of the member. The palm, wrist portion and phalange portion define a glove-like member. The sleeve in *David* cannot be considered to be the same type of member defined by claim 1. Accordingly, Applicants respectfully submit that claim 1 is patentable.

Claims 4-29 and 72 all depend either directly or indirectly from claim 1 and are therefore allowable for at least the same reasons as claim 1. Moreover, these claims add further limitations which render them separately patentable.

For instance, claim 4 recites that the at least eight EKG sensors are located on the palm portion, the wrist portion and the at least one phalange portion of the member. This limitation is not disclosed taught or suggested by *David*. Again, *David* only discloses 10 electrodes and four of them are on a sleeve portion.

Claim 7 recites that the EKG diagnostic device comprises 11 sensors. *David* only discloses 10 sensors.

Claim 9 recites that the plurality of phalange portions comprise an index finger phalange portion and a middle finger phalange portion, wherein the index finger phalange portion is at least as long as the middle finger phalange portion. This claim was rejected under 35 U.S.C. § 103 as being unpatentable over *David*. The rejection states that Applicants have not stated that the arrangement of the glove solves a stated problem. This is not true. Applicants respectfully wish to draw the Examiner's attention to page 11, lines 11-20 of the present application. As stated therein, the additional length of the index finger phalange

portion is to allow an additional sensor (40 k) to be included in the diagnostic device. This additional sensor allows recordation of the V6 lead directly, thereby alleviating the need to derive the V6 lead by computation/derivation from the V1-V5 leads. The arrangement of the sensors is described on pages 9-11 of the present application. The sensors are located at strategic positions on the glove probe to enable 10 lead wires to generate at least an 11 lead EKG when the glove probe is placed over the patients left breast. Accordingly, Applicants respectfully submit that claim 9 is patentable.

Claim 12 recites that at least five of the EKG sensors are located on the index finger phalange portion of the member. This claim was also rejected under 35 U.S.C. § 103 for essentially the same reasons as claim 9. Applicants respectfully submit that the arrangement of the sensors is important and produces an unexpected result. The arrangement of the sensors is described on pages 9-11 of the present application. The sensors are located at strategic positions on the glove probe to enable 10 lead wires to generate at least an 11 lead EKG when the glove probe is placed over the patients left breast. The arrangement is important because this arrangement allows the 11 lead EKG to be generated. No such arrangement is disclosed, taught or suggested in the prior art. In fact in the prior art, all of other arrangements for generating EKG leads are in a much further spaced arrangement. Accordingly, Applicants respectfully submit that the arrangement is important and produces unexpected results. As a result, Applicants respectfully submit that claim 12 is patentable.

Claim 17 recites that at least one of the EKG sensors is located on an interior surface of the wrist portion of the member. The arrangement is not disclosed, taught or suggested in the prior art and is necessary to provide the 11 lead EKG in connection with the claimed embodiment.

Claim 72 recites that the member consists essentially of a palm portion, a wrist portion and a plurality of phalange portions. *David* only discloses a glove/sleeve combination. The limitations of claim 72 in combination with claim 1 are not disclosed, taught or suggested in the prior art.

Claim 33 has been amended to include the limitations of claims 34, 35 and 36. Claim 36 has been have given the indication of allowability. Accordingly, claim 33 is allowable.

Claims 37-46 all depend either directly or indirectly from claim 33 and are therefore allowable for at least the same reasons. Furthermore, these claims recite further limitations that make them separately patentable. Many of these limitations and the reasons for patentability were discussed above in connection with other dependent claims.

Claim 47 recites a system for collecting diagnostic information and transmitting the diagnostic information to a remote location. The system comprises a glove member contoured to at least a portion of only a person's hand. The member comprises at least eight sensors, and an interface unit in electrical communication with the member, wherein the interface unit is capable of transmitting information to a remote location.

Claim 47 was also rejected under 35 U.S.C. § 102(e) as being anticipated by *David*. Applicants respectfully traverse this rejection.

Claim 47 recites that the member is contoured to at least a portion of only a person's hand and that the member comprises at least eight sensors. As explained above, the sensors in *David* are disposed on the glove and the sleeve. Accordingly, the limitations of claim 47 are not disclosed, taught or suggested in the prior art. As such, claim 47 is allowable.

Claim 48 was also rejected under 35 U.S.C. § 102(e) as being anticipated by *David*. Applicants respectfully traverse this rejection.

Claim 48 recites a diagnostic probe comprising a member comprising an EKG diagnostic device. The EKG diagnostic device comprises at least eight EKG sensors located

on the member, wherein at least two of the sensors extend in a first direction away from the member and at least two other sensors extend in a second direction away from the member.

Claim 48 includes limitations similar to that of claim 53 which was indicated as being allowable. Specifically, claim 48 recites that at least two of the sensors extend in a first direction away from the member and at least two other sensors extend in a second direction away from the member. This arrangement is not disclosed, taught or suggested by *David*. Accordingly, Applicants respectfully submit that claim 48 is allowable.

Claims 49-69 all depend either directly or indirectly from claim 48 and are therefore allowable for at least the same reasons. Moreover, these claims add further limitations which render them separately allowable. Many of these reasons have been discussed above with respect to other dependent claims.

Claim 70 was also rejected under 35 U.S.C. § 102(e) as being anticipated by *David*. Applicants respectfully traverse this rejection.

Claim 70 recites a method of obtaining and transmitting medical diagnostic information from a remote location. The method comprises providing a member comprising at least an EKG diagnostic device comprising at least eight EKG sensors. The member comprises a palm portion, a wrist portion and a plurality of phalange portions with the EKG sensors being located on the member on at least two of the palm portion, the wrist portion, and at least one of the phalange portions. The method further comprises using the member to collect medical diagnostic information from a first person at a remote location.

Claim 70 has been amended in the same manner as claim 1 and is therefore allowable for similar reasons as claim 1.

Claim 71 depends from claim 70 and is therefore allowable for at least the same reasons as claim 70 as well as for its own limitations therein.

Claim 73 recites a system for collecting diagnostic information and transmitting the diagnostic information to a remote location. The system comprises a member contoured to at least a portion of a person's hand. The member comprises at least an EKG diagnostic device comprising at least 10 EKG sensors, wherein eight of the sensors are located on the member and extend in a first direction away from the member, and the other two sensors are located on the member and extend in a second direction away from the member. The system further comprises an interface unit in electrical communication with the member, wherein the interface unit is capable of transmitting information to a remote location.

Claim 73 is essentially original claim 6 rewritten in independent form. Original claim 6 was given an indication of allowability. Accordingly, claim 73 is allowable.

Claim 74 recites a diagnostic probe comprising a member comprising an EKG diagnostic device comprising at least 10 EKG sensors located on the member, wherein eight of the sensors are located on the member and extend in a first direction away from the member, and the other two sensors are located on the member and extend in a second direction away from the member.

Claim 74 is essentially claim 51 which was given an indication of allowability, rewritten in independent form. Accordingly, claim 74 is allowable.

Claim 75 recites a diagnostic probe comprising a member comprising an EKG diagnostic device comprising at least eight EKG sensors located on the member, wherein the member comprises a palm portion, a wrist portion and a plurality of phalange portions and the plurality of phalange portions comprise an index finger phalange portion and a middle finger phalange portion, wherein the index finger phalange portion is at least as long as the middle finger phalange portion of the member.

Claim 75 is similar to claim 54 written in independent form, with missing antecedent basis being provided. Claim 54 was rejected under 35 U.S.C. § 103 as being

unpatentable over *David*. Applicants have discussed this rejection above. Specifically, the design of the glove is necessary to achieve the desired result of the claimed embodiment. Such an arrangement is not disclosed, taught or suggested in the prior art and is therefore patentable.

Claim 76 recites a diagnostic probe comprising a member comprising an EKG diagnostic device comprising at least eight EKG sensors located on the member and at least one of the EKG sensors is located on a palmer surface of the palm portion of the member, and wherein at least one of the EKG sensors is located on a dorsal surface of the palm portion of the member.

Claim 76 is essentially claim 61 rewritten in independent form. Claim 61 was given an indication of allowability. Accordingly, Applicants respectfully submit that claim 76 is allowable.

Claims 1-5, 7, 9- 15, 16-35, 37, 39-50, 52, 54-60 and 62-61 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over four of Applicants previous patents in view of *David*. Without acquiescing in the Examiner's grounds for the double patenting type rejections, Applicants respectfully submit that the amendments make the double patenting rejections moot. Accordingly, Applicants are not submitted any Terminal Disclaimers to overcome the rejection at this time as none are believed to be necessary.

Applicants submit that the claims are in a condition for allowance and respectfully request a notice to that effect. If the Examiner believes that a telephone conference will advance the prosecution of this application, such a conference is invited at the convenience at the convenience of the Examiner.

A check in the amount of \$647.00 is enclosed to cover the 3 month Petition fee of \$475.00 and the additional claims filing fee of \$172.00 . Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978 -- a duplicate of the Amendment Transmittal paper is enclosed for that purpose.

Respectfully submitted,

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By 

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